

Original

Dwight Hunter
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In Pro Se

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

2009 JAN -9 AM 10:04
 CLERK, U.S. DISTRICT COURT
 CENTRAL DIST. OF CALIF.
 LOS ANGELES

FILED

DWIGHT HUNTER

Plaintiff (s),

vs.

OWNIT MORTGAGE SOLUTIONS
 INC. & SAN BERNANDINO
 COUNTY SHERIFF'S
 DEPARTMENT

Defendant(s).

Does 1 through 10

) Case No. CV08-08603 CBM(AJWx)

)

) PLAINTIFF'S RESPONSE TO THE

) COURT'S OSC FOR A

) DETERMINATION FOR SUBJECT

) MATTER JURISDICTION

)

)

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)

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) File Date: 12/30/2008

) Judge: Hon. Consuelo B. Marshall

) Dept.: In Chambers

) Hearing Date 1/9/1009

) Hearing Time:

) Discovery Cutoff:

) Trial Date:

)

TO THE HONORABLE, CONSUELO B. MARSHALL, JUDGE, the
 Plaintiff, Dwight Hunter responds herein as so ordered pursuant the Court's issuance
 of the Order to Show Cause with regards to the matter of subject jurisdiction.

STATEMENT OF FACTS

On December 30th, 2008, the Plaintiff filed for good cause a complaint alleging Conspiracy, Fraud and Damages against the Defendants, individually, and collectively, as the result a mortgage negotiated on my behalf, the beneficiary thereof, and subsequent events which gave rise to the complaint, as complained of therein.

Whereas to the matter of Jurisdiction, the Court has jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States (U.S.C. Title 28 § 1331).

Bank, Banking Practices Laws, and the relations between those entities and the people of the constitution are all Federal matters, wherein the original laws given rise to their existence are founded in Federal Laws, Statutes and Regulation, and only mirrored by the State in which they conduct their respective businesses.

Wherein the exist a question of diversity, he district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between any one the following parties, of which the Plaintiff has not been allowed sufficient time to discover are;

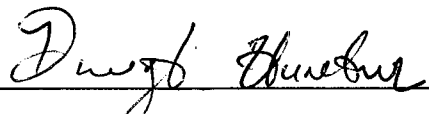
- (1) citizens of different States;
- (2) citizens of a State and citizens or subjects of a foreign state;
- (3) citizens of different States and in which citizens or subjects of a foreign state are additional parties; and
- (4) a foreign state, defined in section 1603 (a) of this title, as plaintiff and citizens of a State or of different States.

As such the Real Property complained for has a marketable value in excess of Three Hundred dollars (\$300,000.00), and the Plaintiff's maintains an equitable interest in that value, as to be determined pursuant to these proceedings.

1 Respectfully submitted

2 January 9, 2009

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9 
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. CV08-08603 CBM(AJWx) Date: Dec. 30, 2008
Title: Dwight Hunter vs. Onit Mortgage Solutions, Inc., et al

Present: The Honorable CONSUELO B. MARSHALL

Joseph M. Levario

n/a

n/a

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

n/a

n/a

Proceedings: IN CHAMBERS/Order to Show Cause Re: Jurisdiction

The matter before the Court is Plaintiff's Complaint, filed on Dec. 30, 2008, alleging causes of action for illegal foreclosure. Having reviewed the Complaint, is it not apparent to this Court that it has subject matter jurisdiction. Federal subject matter jurisdiction is satisfied by diversity or federal question. Under 28 U.S.C. § 1331, this Court has federal question jurisdiction for claims "arising under" the United States Constitution, treaties, federal statutes, administrative regulations, or common law. Under 28 U.S.C. § 1332, this Court has diversity jurisdiction over matters in which all plaintiffs are of different citizenship than all defendants, and in which the amount in controversy exceeds \$75,000. Federal court construe their diversity jurisdiction narrowly. *Gaus vs. Miles*, 980F.2d 564, 566 (9th Cir. 1992).

Plaintiff has failed to allege facts sufficient to support either diversity jurisdiction or federal question jurisdiction. Therefore, the Court issues the present Order to Show Cause to Plaintiff as to why the Court should not dismiss Plaintiff's Complaint for lack of jurisdiction. Plaintiff is ordered to provide in writing by January 9, 2009 the factual and legal basis for satisfying subject matter jurisdiction. Failure to respond to this Order on or before January 9, 2009 will result in the dismissal of this action, without prejudice.

Pursuant to Rule 78 of the Federal Rules of Civil Procedure and Local Rule 7.11, NO ORAL ARGUMENT will be heard on this matter unless ordered by the Court. The Order to Show Cause will stand submitted upon filing of a response.

IT IS SO ORDERED

Initials of Deputy Clerk JL 

00/00 Minutes

PROOF OF SERVICE BY MAIL

I am over the age of Eighteen, not a party to this action and I am employed within the County of Los Angeles, State of California.

On January 1, 2009 following ordinary business practices, I placed for collection and mailing at the following address: 2605 Brighton Avenue Los Angeles California 90018, a copy of the attached: Response to Court's OSC Re: Jurisdiction, in a sealed envelope, with postage fully prepaid, and addressed to:

OWNIT MORTGAGE SOLUTIONS, INC.
21800 BURBANK BLVD SUITE 200
WOODLAND HILLS, CA 91367

I am readily familiar with the practices of mailing for collection and processing of correspondence in the ordinary course of business. The correspondence would be deposited with the United States Postal Service on the day, as affirmed by signature and date below.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: January 1, 2009


Brent Davis